

Cheryl Santore  
19 Menna Road  
Ansonia, CT 06401

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 990520-010-041

vs.

Cheryl Santore, RN, Lic. No. E55596  
Respondent.

**MEMORANDUM OF DECISION**

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges dated November 2, 1999 (Board Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Cheryl Santore, R.N. (hereinafter "respondent") which would subject respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated November 5, 1999, scheduling a hearing for January 19, 2000. Board Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibits 1 and 2 indicate that the Notice of Hearing and Statement of Charges were delivered to respondent and respondent's attorney by certified mail, return receipt requested.

The hearing took place on January 19, 2000, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present during the hearing and was represented by counsel. Transcript, January 19, 2000, p. 2.

Respondent submitted a written Answer to the Statement of Charges. Respondent Exh. A.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

*Findings of Fact*

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent is, and has been at all times referenced in the Statement of Charges, the holder of Connecticut registered nurse license number E55596. Dept. Exh. 3-C; Respondent Exh. A.
2. At all times relevant to the Statement of Charges, respondent was employed by AA Homecare and Nursing, Inc as a visiting nurse. Dept. Exh. 3; Respondent Exh. A.
3. While in the course of her duties as a registered nurse for her employer, respondent completed a home nursing visit note, dated March 30, 1999, for patient Bertha Bayman. Respondent did not visit the patient on said date, and knew that the patient was hospitalized for treatment of a fractured hip. Respondent signed Bertha Bayman's signature to the home nursing visit note. Dept. Exh. 3-B21; Respondent. Exh. A; Transcript, January 19, 2000, pp. 20-22.
4. On or about April 5, 1999, respondent completed a home nursing visit note for patient Marie Vuola, even though respondent did not visit the patient on said date. Dept. Exh. 3-B4; Respondent Exh. A; Transcript, January 19, 2000, pp. 23-24.

*Conclusions of Law and Discussion*

In consideration of the above Findings of Fact, the following conclusions are rendered:

Cheryl Santore held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter. **PARAGRAPH 3** of the Statement of Charges alleges that on or about March 30, 1999, while working as a registered nurse for AA Homecare and Nursing, Inc. as a visiting nurse, respondent:

- a. Completed a home visit note for patient Bertha Bayman, even though respondent did not visit said patient;
- b. Knew that said patient was then hospitalized for treatment of a fractured hip; and,
- c. Signed Bertha Bayman's signature on the aforesaid note.

Respondent admits these charges.

**PARAGRAPH 4** of the Statement of Charges alleges that on or about April 5, 1999, respondent completed home visit notes for patient Marie Vuola and Gladys Perry, even though the respondent did not visit them.

Respondent admits the allegation in Paragraph 4 as it pertains to Marie Vuola but denies the allegation pertaining to Gladys Perry. Respondent Exh. A- 3 and A-4.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing... said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17...(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following:...(2) illegal conduct, incompetence or negligence in performing usual nursing functions...(6) fraud or material deception in the course of professional services or activities. . . .

Based on its findings and respondent's admissions, the Board concludes that respondent's conduct as alleged in Paragraphs 3 and Paragraph 4 as it pertains to patients Bertha Bayman and Marie Vuola, are proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (6). Therefore, respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The Board concludes the Department failed to present sufficient evidence to prove the allegations in Paragraph 4 as it pertains to patient Gladys Perry. Therefore, this allegation is dismissed.

### ***Order***

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 3 and 4 of the Statement of Charges, respondent's registered nurse license, No. E55596, is placed on probation for a period of six (6) months.
2. The Respondent is assessed a civil penalty in the amount of three hundred dollars (\$300.00).
  - A. The \$300.00 civil penalty is payable within ninety (90) days of the effective date of this Memorandum of Decision.

- B. Payment of the civil penalty shall be made by certified check payable to "Treasurer, State of Connecticut" and shall be sent to:

**Department of Public Health**  
**Board of Examiners for Nursing**  
**Division of Health Systems Regulation**  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308

3. If any of the following conditions of probation are not met, respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
- A. During the period of probation the Board shall pre-approve respondent's employment or change of employment within the nursing profession.
  - B. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
  - C. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall commence with the report due on the first business day of September, 2000.
  - D. The employer reports cited in Paragraph C above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph I below.
  - E. Should respondent's employment as a nurse be involuntarily terminated, respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
  - F. Should respondent pursue further training in any subject area that is regulated by the Department, respondent shall provide copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph I below.
  - G. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.

- H. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- I. All correspondence and reports are to be addressed to:

**Bonnie Pinkerton, RN, Nurse Consultant**  
**Department of Public Health**  
**Division of Health Systems Regulation**  
**Board of Examiners For Nursing**  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308

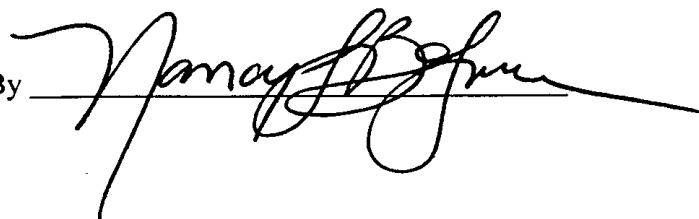
- 4. Any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).
- 5. This Memorandum of Decision becomes effective, and the six (6) month probation of respondent's registered nurse license shall commence, on August 1, 2000.

The Board of Examiners for Nursing hereby informs respondent, Cheryl Santore, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 19<sup>th</sup> day of July, 2000.

BOARD OF EXAMINERS FOR NURSING

By



## CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 20th day of July 2000, by certified mail, return receipt requested to:

Cheryl Santore  
19 Menna Road  
Ansonia, CT 06401

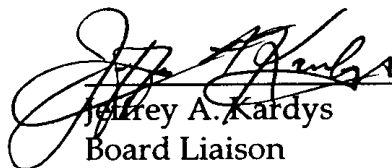
Certified Mail 70993400001373775687

Michael Moher, Esq.  
PO Box 158  
Ansonia, CT 06401-0158

Certified Mail 70993400001373775694

and by Inter-Departmental Mail to:

Stanley K. Peck, Director  
Legal Office  
Department of Public Health  
410 Capitol Avenue, MS #12LEG  
Hartford, CT 06134-0308



Jeffrey A. Kardys  
Board Liaison  
Public Health Hearing Office